

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

SEP 30 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of the Commission's	)	PR Docket No. 92-257
Rules Concerning Maritime	)	RM-7956,8031,8352
communications	)	
	)	

**COMMENTS OF  
 THE NATIONAL ASSOCIATION OF BROADCASTERS  
 AND THE ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC.  
 IN REPLY TO EARLY-FILED REPLY COMMENTS OF ORION TELECOM**

These reply comments are submitted by the National Association of Broadcasters ("NAB") and the Association for Maximum Service Television, Inc. ("MSTV") in response to the early-filed "Reply Comments" submitted on September 19 by Fred Daniel d/b/a Orion Telecom ("Orion"). We remain persuaded that sound engineering judgement necessitates the conclusion that television broadcasters using channels 10 and 13 continue to need protection from Automated Maritime Telecommunications System ("AMTS") operations, and that this protection must include the opportunity for television broadcasters to object (in advance) to construction of AMTS facilities that will impact their coverage areas. Orion's Reply Comments contain numerous factual errors and misstatements, to which we feel it necessary to respond.

**DISCUSSION**

**Timely Filing.** With respect to Orion's claim that the joint comments of NAB and MSTV were filed late: Orion is apparently unaware that the Commission issued an Order in

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this docket on August 21, 1997, changing the comment date from August 25 to September 15, and the reply comment date from September 9 to September 30. The joint comments of NAB and MSTV were, thus, timely filed.

***The Potential for Interference.*** Orion contends that the potential for AMTS operations to cause interference to television reception has dramatically decreased since 1979 because of the increased availability of cable-ready television receivers.<sup>1</sup> Orion argues that a television receiver designed to receive cable signals will, in general, be better at rejecting adjacent channel interference because a cable system delivers adjacent channel signals to the television receiver at approximately the same signal level as the desired signal.<sup>2</sup> Orion fails to recognize, however, that the ability to discriminate between two *equally strong* adjacent channel cable signals is entirely different from the ability to discriminate between a *fringe* area over-the-air signal and a *strong* signal from a nearby AMTS transmitter. Thus, the fact that a television receiver can discriminate between cable television channels does *not* lead to the conclusion that the same receiver can successfully receive a relatively weak over-the-air television signal in the presence of a strong adjacent channel AMTS interferer.

Moreover, the Commission has been testing receivers for almost two decades and has found that there has been no significant improvement. Early testing in 1982 is discussed below. In addition, the Commission tested receiver performance in the land mobile-TV sharing docket (Docket 85-172) to ascertain the ability of receivers to reject land mobile

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<sup>1</sup> Orion Reply Comments at 10.

<sup>2</sup> *Id.*

interference and found that there had been no significant changes since the 1982 report noted below.<sup>3</sup> Furthermore, additional testing conducted by the Advanced Television Test Center at the request of the Commission in 1993-1994 showed that receiver performance had not changed.

**1982 Test Results.** Orion claims that there were inaccuracies in the comments of NAB and MSTV -- a claim that in fact rests on a plain misreading of our comments. For instance, Orion claims that NAB and MSTV "mistakenly state that further TV receivers were tested in 1982."<sup>4</sup> This claim results from Orion's misreading of the title of the report cited by NAB and MSTV. We cited FCC/OST TM82-4, *Field Tests of 216 to 220 MHz Transmitters for Compatibility with TV Channels 13 and 10*, dated June 1982. This report does include test results that were obtained in 1982 using television receivers that were manufactured in 1979. The 1979 receivers that were tested employed integrated circuits in their IF stages, and the 1982 tests were presumably conducted to determine whether the advent of integrated circuit IF stages had improved the ability of television receivers to reject AMTS signals. The conclusion of the report was that they had not. The mistakes throughout Orion's filing stem from the fact that it thought we had cited FCC/OST TM82-5, *Guidance for Evaluating the Potential for Interference to TV from Stations of Inland Waterways Communications Systems*, dated July 1982.

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<sup>3</sup> See, e.g., In the Matter of Further Sharing of the UHF Television Band By Private Land Mobile Radio Services, Notice of Proposed Rulemaking (85-172), 101 F.C.C. 2d 852 ¶¶ 13-14 (1985).

<sup>4</sup> *Id.* at 11.

**CONCLUSION**

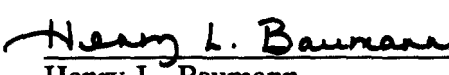
Notwithstanding the careless mistakes in its reply comments, Orion urges the Commission to count on its own and other AMTS entities' care in constructing AMTS facilities near channel 10 and channel 13 television stations. We urge the Commission to retain a check on such self-policing by AMTS entities by preserving television stations' opportunity to object in advance to the construction of AMTS facilities. This check is important to minimize the potential danger to the public's over-the-air television reception. Consequently, we ask the Commission to retain its requirement that affected broadcasters be afforded an opportunity to comment on proposed construction of new or modified AMTS facilities.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Erika F. King, hereby certify that a copy of the foregoing **Comments of The National Association of Broadcasters and The Association for Maximum Service Television, Inc. In Reply to Early-Filed Reply Comments of Orion Telecom,** was sent this 31st day of July, 1997, by first class mail, postage prepaid to the following:

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